

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**SVV TECHNOLOGY INNOVATIONS
INC.**

Plaintiff,

v.

ACER INC.

Defendant.

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Civil Action No. 6:22-cv-00640-ADA

JURY DEMANDED

**PLAINTIFF’S NOTICE OF *EX PARTE* REEXAMINATION REQUEST BY
DEFENDANT ACER INC.**

Pursuant to the Court’s Standing Order Governing Proceedings—Patent Cases,¹ Plaintiff SVV Technology Innovations, Inc. (“SVV”) respectfully notifies the Court that, on November 26, 2024, Defendant Acer Inc. (“Acer”) filed a request with the U.S. Patent and Trademark Office for *ex parte* reexamination of claims 1 and 16 of U.S. Patent No. 10,838,135 (“the ’135 Patent”).

SVV filed this case in June of 2022, approximately 2.5 years ago. *See* ECF No. 1 (Original Complaint). The statutory deadline for Acer to file a petition for *inter partes* review expired approximately 1.5 years ago, *see* 35 U.S.C. § 315(b), but Acer did not file any petitions for *inter partes* review. The Court subsequently presided over trial in this matter in June of 2024. The ’135 Patent is one of four SVV patents litigated at trial. A jury unanimously found against Acer on the issue of invalidity, including as to claim 16 of the ’135 Patent. ECF No. 158 at 6.

After waiving its ability to litigate invalidity at the USPTO through *inter partes* review and litigating invalidity in the district court at trial, Acer files this reexamination request seeking to

¹ The Court’s OGP instructs Plaintiffs to file “a notice informing the Court when an IPR is filed, . . .” OGP v.4.4 at 9 (§ X.5). Though not a petition for *inter partes* review, SVV respectfully provides notice of this request for proceeding before the USPTO out of an abundance of caution.

reopen the issue of invalidity on certain claims of the '135 Patent. In particular, Acer's request represents to the USPTO that the alleged references of "Mitsuru" and "Gandhi"² present a substantial new question of patentability for claims 1 and 16 of the '135 Patent. Acer asserted these same references in this case through pretrial, but Acer ultimately dropped these prior art references before trial.

A copy of Acer's request is attached as Exhibit A. Acer's request has been assigned the application number RE 90/019,746. The USPTO is expected to rule on Acer's reexamination request by February 26, 2025. Acer has requested that, if its request is granted, the reexamination "be conducted not only with 'special dispatch,' but also with 'priority over all other cases[,]'" Ex. A at 1, citing the "ongoing nature" of this case, including the lack of final judgment, and the time for appeal not yet expiring. *Id.*

² Japanese Patent App. Pub. No. JP 2006-114239 ("Mitsuru") and U.S. Patent No. 7,876,489 ("Gandhi").

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Respectfully submitted,

/s/ Robert D. Katz

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